

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

Date:-30-1-1996.

SPECIAL CIVIL APPLICATION NO.6401 OF 1987.

For Approval and Signature

THE HON'BLE MR. JUSTICE N. N. MATHUR.

1. Whether Reporters of Local Papers may be allowed to see the judgment ? No.
2. To be referred to the Reporter or not ?
No.
3. Whether their Lordships wish to see the fair copy of judgment? No.
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder? No.
5. Whether it is to be circulated to the Civil Judge? No.

Mr. J.D. Ajmera, Advocate, for the petitioner.

Mr. Mr. B.Y. Mankad, A.G.P., for the respondent.

CORAM:-N.N. MATHUR, J.

Date:-30-1-1996

ORAL JUDGMENT:

The petitioner is District Panchayat constituted under the provisions of the Gujarat Panchayats Act, 1961. It appears that in the General Meeting dated 9-6-1987 a resolution was adopted stating, inter-alia, that the Government's instructions to have a pool for maintenance of vehicles does not apply to the vehicles which have been purchased by the Panchayat from its own fund. The District Development Officer made a reference to the Development Commissioner u/s 294 of the Gujarat Panchayats Act, 1961 and suspended temporarily the

Resolution of the Panchayat. The said resolution was ultimately quashed by the impugned order dated m9-11-1987 passed by the Development Commissioner.

2. The learned A.G.P. submits that the Development Commissioner has rightly quashed the resolution of the Panchayat as in his opinion it was necessary to set right the abuse of the authority. He submits that Section 294 not only empowers but cast duty on the authority to set right the abuse. He relies on the decision of this Court in the case of SURAT DISTRICT PANCHAYT & ANR. V. DEVELOPMENT COMMISSIONER, GANDHINAGAR & ANR, reported in 1991(2) G.L.R. 1004.

3. I have gone through the said decision and in my the controversy involved in the present Special Civil Application is squarely covered by the aforesaid decision reported in 1991(2) G.L.R. 1004.

4. In view of the aforesaid, there is no merit in this Special Civil Application and hence the same is rejected. Rule is discharged. Interim relief is vacated.

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